Sanford Morganstein <Sandy@TechnologyCorp.net> on 02/08/2002 01:18:59 AM

Please respond to Sandy@TechnologyCorp.net

To: vss@FEC
cc: Margaret Sims/FEC/US@FEC

Subject: Comments on Draft VSS standards

As explained in the attached document, Illinois Information Technology Corporation requests that it be allowed to supplement its comments to the FEC's Draft VSS document.

We understand that the comment period has elapsed. However, as explained within, none of the comments we submit changes or modifies any comments previously submitted.

We trust that our supplemental comments help to move the process forward and do not burden the Commission in any way.

Sanford Morganstein
President

- Comments on Draft VSS standards_supplemental.doc

February 7, 2002

Ms.Penelope Bonsall
Director, Office of Election Administration
Federal Election Commission
999 E. Street, N.W.
Washington, D.C.20463.

Dear Ms. Bonsall:

On January 25, 2002, Illinois Information Technology Corporation submitted its comments on the *Second Draft Of The Revisions To The 1990 National Voluntary Performance Standards For Computerized Voting Systems And The First Draft Of The Revisions To The 1990 National Test Standards (the "Draft VSS Standards.")*. Since that submittal, we have been in contact with others who have reviewed the *Draft VSS Standards*. We realize that the comment period is terminated, but we find that sections we thought we understood had a different understanding to others. Consequently, we respectfully request that we be allowed to supplement our January 25 comments. None of the comments we submit below changes or modifies any comments previously submitted. Since the comment period has elapsed, we are only submitting these supplemental comments by e-mail in order to bring the comments before the Commission in an expedited fashion.

As before, and as requested in the notice in the Federal Register, our comments reference specific sections of the *Draft VSS Standards*. Where possible, our comments regarding specific content are accompanied by specific suggestions for alterations to language or technical specifications.

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and this commentator can be reached by e-mail at
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Comments on § 2.2.7.2 DRE Standards

Subparagraph (f) states:

"For a device with touchscreen or contact-sensitive controls, provide an input method using mechanically operated controls or keys that shall:

1)Be tactilely discernible without activating the controls or keys;"

Generally, touchscreens operate by detecting differences in electrical resistance or electrical capacitance. We believe it is the intent of this section to allow such touchscreens, but the requirement of "mechanically operated controls" perhaps intended as an general "input method" may pose a problem. If the intent of this section is to insist on mechanical controls that affect functions other than voter responses to ballot questions, we believe there is no problem. In other words, if the mechanically operated controls actuate functions such as machine turn-on, turn-off, new voter initiation, *etc.*, we agree with the requirement. If the intent of the section is to require mechanical controls for a voter to respond to a ballot question, we strongly request reconsideration of such a requirement since it would rule out common touchscreens. With the understanding that the "mechanical controls" are not ballot response "input method[s]", we propose the following alternative language:

"For a device with touchscreen or contact-sensitive controls, provide an input method using mechanically operated controls or keys for functions not related to a voter's responses to ballot questions that shall:

1)Be tactilely discernible without activating the controls or keys;"

Comments on § 2.3.1.1.1 Common Standards

Subparagraph (d) states:

> "For a primary election, generating ballots that segregate the active voting positions by party affiliation;"

We stated in our January 25 response:

> "We would like to point out that paper-based voting systems (both marksense and punchcard) need not be limited to 'marks made in voting response locations.'"

We then provided a bulleted list of examples where such limitations would not exist, and in our opinion, would not be desirable. We hope that the Commission agrees with us that to get beyond the constraints of today's punchcard and marksense systems, paper based-systems can have marks made in a variety of locations. The key requirement, though, is that **presentation to the voter** be segregated by party affiliation, not the marks on the ballot. With respect to a **closed primary**, as long as the primary election voter is clearly and unambiguously presented only with, and can only make, choices pursuant to the voter's party declaration the spirit of the requirement is met. With respect on an **open primary**, the spirit of the requirement can be met by **presenting** to the voter choices that are segregated by party affiliation.

We therefore propose a modification to Subparagraph (d) as follows:

> "For a primary election, presenting choices to the voter that segregate those choices by party affiliation;"
>
> "In a closed primary, only permitting the voter to make choices pursuant to the voter's party declaration;"

Comments on § 4.2.4 Control Constructs

This section provides a description of acceptable software control constructs. We understand the importance of these constructs to structured programming. Perhaps this is clear to others, but it is not clear to us if the "Do Loop" or "For Loop" construct is specifically allowed. **Figure 4-B** does include a "Loop" but again, we are unsure if this can be read to include the "Do Loop" or "For Loop" constructs.

An example of a Do Loop is found often in Visual Basic:

```
For CounterVariable = 1 to MaxAllowedValue  Step IncrementValue
        PROCESS A
Next CounterVariable
```

In the example, the control construct is entered and the value of CounterVariable is set to 1. Process A repeats, perhaps referencing CounterVariable until CounterVariable reaches the value of MaxAllowedValue. Once MaxAllowedValue is reached, control exits from the construct and execution continues immediately following the statement "Next CounterVariable". CounterVariable is incremented (or decremented) by IncrementValue each passage through the construct.

As long as the control variable, (CounterVariable in the example) is not modified by Process A, we believe that this construct should be allowed. Perhaps the intent of § 4.2.4 is to allow it.

A similar construct is shown by the following example:

For each ObjectVariable in ObjectSet

PROCESS A

Next ObjectVariable

ObjectSet is a collection of well defined objects. PROCESS A is executed with ObjectVariable set to each and every member of ObjectSet. As long as ObjectVariable is not modified by PROCESS A, we see no reason why this construct should be disallowed. Perhaps it is not, in which case clarification that it is allowed would be desirable.

Respectfully submitted,

Illinois Information Technology Corp

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Sanford J. Morganstein
President